

# **EXHIBIT 1**

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**Mark:** CALICO

CALICO

**US Serial Number:** 77459135

**Application Filing Date:** Apr. 28, 2008

**US Registration Number:** 3680863

**Registration Date:** Sep. 08, 2009

**Filed as TEAS Plus:** Yes

**Currently TEAS Plus:** Yes

**Register:** Principal

**Mark Type:** Service Mark

**Status:** A Section 8 declaration has been accepted.

**Status Date:** May 16, 2016

**Publication Date:** Mar. 10, 2009

**Notice of Allowance Date:** Jun. 02, 2009

## Mark Information

**Mark Literal Elements:** CALICO

**Standard Character Claim:** Yes. The mark consists of standard characters without claim to any particular font style, size, or color.

**Mark Drawing Type:** 4 - STANDARD CHARACTER MARK

**Color(s) Claimed:** Color is not claimed as a feature of the mark.

## Foreign Information

**Foreign Registration Number:** 1005184

**Foreign Registration Date:** Jun. 07, 2004

**Application/Registration Country:** Foreign AUSTRIA

**Foreign Expiration Date:** Jun. 07, 2014

## Goods and Services

**Note:** The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;
- Double parenthesis ((...)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Education services, namely, providing conducting seminars, classes and workshops in the field of health and fitness; training in the use of computers and health related equipment; providing online information via the Internet in the field of fitness; providing online publications, namely, magazines in the field of health and fitness; [ entertainment services, namely, providing prerecorded, non-downloadable digital music via the Internet; ] health club services, namely, providing instruction and equipment in the field of physical exercise; physical fitness consultation

**International Class(es):** 041 - Primary Class

**U.S Class(es):** 100, 101, 107

**Class Status:** ACTIVE

**Basis:** 1(a) 44(e)

**First Use:** May 17, 2004

**Use in Commerce:** May 17, 2004

**For:** [ Medical services, namely, beauty salons; Performing diagnosis of diseases, namely, medical analysis using X-ray examinations and taking blood samples; ] pharmaceutical advice; Counseling services in the field of health and nutrition; and, Providing an on-line computer database featuring information regarding health

**International Class(es):** 044 - Primary Class

**U.S Class(es):** 100, 101

Class Status: ACTIVE

Basis: 1(a) 44(e)

First Use: May 17, 2004

Use in Commerce: May 17, 2004

**Basis Information (Case Level)**

Filed Use: Yes

Currently Use: Yes

Amended Use: No

Filed ITU: No

Currently ITU: No

Amended ITU: Yes

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: Yes

Currently 44E: Yes

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: CALICO GLOBAL PTY LTD.

Owner Address: 272 STIRLING HIGHWAY  
CLAREMONT WA 6010  
AUSTRALIA

Legal Entity Type: LIMITED COMPANY

State or Country AUSTRALIA  
Where Organized:**Attorney/Correspondence Information****Attorney of Record**

Attorney Name: Stacey R. Halpern

Docket Number: HOPG6.001TUS

Attorney Primary [efiling@knobbe.com](mailto:efiling@knobbe.com)  
Email Address:Attorney Email Yes  
Authorized:**Correspondent**Correspondent Name/Address: Stacey R. Halpern  
Knobbe Martens Olson & Bear, LLP  
2040 Main Street  
14th Floor  
Irvine, CALIFORNIA 92614  
UNITED STATES

Phone: 949-760-0404

Fax: 949-760-9502

Correspondent e-mail: [efiling@knobbe.com](mailto:efiling@knobbe.com)

Correspondent e-mail Authorized: Yes

**Domestic Representative**

Domestic Representative Name: Stacey R. Halpern

Phone: 949-760-0404

Fax: 949-760-9502

Domestic Representative e-mail: [efiling@knobbe.com](mailto:efiling@knobbe.com)

Domestic Representative e-mail Authorized: Yes

**Prosecution History**

Date	Description	Proceeding Number
May 19, 2016	POST REGISTRATION ACTION MAILED - SEC. 15	77315
May 16, 2016	NOTICE OF ACCEPTANCE OF SEC. 8 - E-MAILED	
May 16, 2016	POST REGISTRATION ACTION MAILED - SEC. 15	77315
May 16, 2016	REGISTERED - SEC. 8 (6-YR) ACCEPTED	77315
May 13, 2016	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315
Jul. 06, 2015	COUNTERCLAIM OPP. NO. 999999	220004
Dec. 17, 2014	AMENDMENT UNDER SECTION 7 - ISSUED	77315
Dec. 11, 2014	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	77315

Nov. 20, 2014	TEAS SECTION 8 & 15 RECEIVED	
Nov. 20, 2014	TEAS SECTION 7 REQUEST RECEIVED	
Jun. 11, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
Jun. 04, 2014	ASSIGNMENT OF OWNERSHIP NOT UPDATED AUTOMATICALLY	
May 27, 2014	ATTORNEY/DOM.REP.REVOKED AND/OR APPOINTED	
May 27, 2014	TEAS REVOKE/APP/CHANGE ADDR OF ATTY/DOM REP RECEIVED	
Sep. 08, 2009	REGISTERED-PRINCIPAL REGISTER	
Aug. 04, 2009	LAW OFFICE REGISTRATION REVIEW COMPLETED	77075
Jul. 29, 2009	ASSIGNED TO LIE	77075
Jul. 29, 2009	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Jul. 16, 2009	STATEMENT OF USE PROCESSING COMPLETE	76874
Jun. 22, 2009	USE AMENDMENT FILED	76874
Jul. 16, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	76874
Jun. 22, 2009	TEAS STATEMENT OF USE RECEIVED	
Jun. 02, 2009	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Mar. 10, 2009	PUBLISHED FOR OPPOSITION	
Feb. 18, 2009	NOTICE OF PUBLICATION	
Feb. 05, 2009	LAW OFFICE PUBLICATION REVIEW COMPLETED	76985
Feb. 05, 2009	ASSIGNED TO LIE	76985
Feb. 04, 2009	ASSIGNED TO LIE	65581
Feb. 04, 2009	ASSIGNED TO LIE	76985
Feb. 04, 2009	ASSIGNED TO LIE	65581
Jan. 29, 2009	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 15, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	76985
Jan. 15, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	76985
Jan. 14, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 14, 2009	TEAS/EMAIL CORRESPONDENCE ENTERED	76985
Jan. 14, 2009	CORRESPONDENCE RECEIVED IN LAW OFFICE	76985
Jan. 12, 2009	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Jan. 12, 2009	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Jan. 12, 2009	NON-FINAL ACTION E-MAILED	6325
Jan. 12, 2009	NON-FINAL ACTION WRITTEN	83257
Dec. 31, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	76985
Dec. 31, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	76985
Dec. 31, 2008	ASSIGNED TO LIE	76985
Dec. 27, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Nov. 25, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Nov. 25, 2008	NON-FINAL ACTION E-MAILED	6325
Nov. 25, 2008	NON-FINAL ACTION WRITTEN	83257
Nov. 04, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	76984
Nov. 04, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	76984
Oct. 30, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Sep. 12, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Sep. 12, 2008	NON-FINAL ACTION E-MAILED	6325
Sep. 12, 2008	NON-FINAL ACTION WRITTEN	83257
Aug. 22, 2008	TEAS/EMAIL CORRESPONDENCE ENTERED	76984
Aug. 22, 2008	CORRESPONDENCE RECEIVED IN LAW OFFICE	76984
Aug. 22, 2008	ASSIGNED TO LIE	76984
Aug. 15, 2008	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Aug. 14, 2008	NOTIFICATION OF NON-FINAL ACTION E-MAILED	6325
Aug. 14, 2008	NON-FINAL ACTION E-MAILED	6325
Aug. 14, 2008	NON-FINAL ACTION WRITTEN	83257
Aug. 12, 2008	ASSIGNED TO EXAMINER	83257
May 01, 2008	NEW APPLICATION ENTERED IN TRAM	

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## Maintenance Filings or Post Registration Information

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**Affidavit of Continued Use:** Section 8 - Accepted

**Change in Registration:** Yes

**Amendment to a Registration/Renewal Certificate:** The drawing is amended to appear as follows: CALICO

## TM Staff and Location Information

### TM Staff Information - None

#### File Location

**Current Location:** TMEG LAW OFFICE 102

**Date in Location:** May 19, 2016

## Assignment Abstract Of Title Information

### Summary

**Total Assignments:** 2

**Registrant:** Owens, Kevin

### Assignment 1 of 2

**Conveyance:** NUNC PRO TUNC ASSIGNMENT EFFECTIVE 07/19/2011

**Reel/Frame:** [5290/0720](#)

**Pages:** 12

**Date Recorded:** May 29, 2014

**Supporting Documents:** [assignment-tm-5290-0720.pdf](#)

### Assignor

**Name:** [OWENS, KEVIN](#)

**Execution Date:** May 20, 2014

**Legal Entity Type:** INDIVIDUAL

**Citizenship:** AUSTRALIA

### Assignee

**Name:** [CALICO PTY LTD.](#)

**Legal Entity Type:** LIMITED COMPANY

**State or Country Where Organized:** AUSTRALIA

**Address:** 16 FAIRVIEW STREET  
COOGEE WA 6166, AUSTRALIA

### Correspondent

**Correspondent Name:** STACEY R. HALPERN

**Correspondent Address:** 2040 MAIN STREET, FOURTEENTH FLOOR  
IRVINE, CA 92614

### Domestic Representative

**Domestic Representative Name:** STACEY R. HALPERN

**Domestic Representative Address:** 2040 MAIN STREET, 14TH FLOOR  
IRVINE, CA 92614

### Assignment 2 of 2

**Conveyance:** NUNC PRO TUNC ASSIGNMENT EFFECTIVE 07/19/2011

**Reel/Frame:** [5294/0521](#)

**Pages:** 12

**Date Recorded:** Jun. 03, 2014

**Supporting Documents:** [assignment-tm-5294-0521.pdf](#)

### Assignor

**Name:** [CALICO PTY LTD.](#)

**Execution Date:** May 20, 2014

**Legal Entity Type:** LIMITED COMPANY

**State or Country Where Organized:** AUSTRALIA

### Assignee

Name: [CALICO GLOBAL PTY LTD.](#)

Legal Entity Type: LIMITED COMPANY

State or Country: AUSTRALIA  
Where Organized:Address: 272 STIRLING HIGHWAY  
CLAREMONT WA 6010, AUSTRALIA**Correspondent**

Correspondent Name: STACEY R. HALPERN

Correspondent Address: 2040 MAIN STREET, 14TH FLOOR  
IRVINE, CA 92614**Domestic Representative**

Domestic Representative Name: STACEY R. HALPERN

Domestic Representative Address: 2040 MAIN STREET, 14TH FLOOR  
IRVINE, CA 92614**Proceedings****Summary**

Number of Proceedings: 3

**Type of Proceeding: Opposition**Proceeding Number: [91226875](#)

Filing Date: Mar 14, 2016

Status: Pending

Status Date: Mar 14, 2016

Interlocutory Attorney: ANDREW P BAXLEY

**Defendant**

Name: Calico LLC

Correspondent Address: CONNIE L ELLERBACH  
FENWICK & WEST LLP  
SILICON VALLEY CENTER 801 CALIFORNIA STREET  
MOUNTAIN VIEW CA , 94041  
UNITED STATESCorrespondent e-mail: [trademarks@fenwick.com](mailto:trademarks@fenwick.com) , [cellerbach@fenwick.com](mailto:cellerbach@fenwick.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CALICO	Opposition Pending	<a href="#">86220187</a>	

**Plaintiff(s)**

Name: Calico Global Pty Ltd.

Correspondent Address: STACEY R HALPERN  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET 14TH FLOOR  
IRVINE CA , 92614  
UNITED STATESCorrespondent e-mail: [efiling@knobbe.com](mailto:efiling@knobbe.com) , [stacey.halpern@knobbe.com](mailto:stacey.halpern@knobbe.com)**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CALICO	Section 8 - Accepted	<a href="#">77459135</a>	<a href="#">3680863</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Mar 14, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Mar 14, 2016	Apr 23, 2016
3	PENDING, INSTITUTED	Mar 14, 2016	

4	P MOT FOR EXT W/ CONSENT	Mar 24, 2016
5	EXTENSION OF TIME GRANTED	Mar 24, 2016
6	P MOT TO CONSOLIDATE	Apr 20, 2016
7	CONSOLIDATED - CHILD OF 91225789; ANSWER DUE 6/3/2016	May 04, 2016
8	D APPEARANCE / POWER OF ATTORNEY	May 26, 2016
9	ANSWER	May 26, 2016

**Type of Proceeding: Opposition**

**Proceeding Number:** [91225789](#)

**Filing Date:** Jan 11, 2016

**Status:** Pending

**Status Date:** Jan 11, 2016

**Interlocutory Attorney:** MARY CATHERINE FAINT

**Defendant**

**Name:** Calico LLC

**Correspondent Address:** CONNIE L ELLERBACH  
FENWICK & WEST LLP  
SILICON VALLEY CENTER 801 CALIFORNIA STREET  
MOUNTAIN VIEW CA , 94041  
UNITED STATES

**Correspondent e-mail:** [trademarks@fenwick.com](mailto:trademarks@fenwick.com) , [cellerbach@fenwick.com](mailto:cellerbach@fenwick.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CALICO	Opposition Pending	<a href="#">86530804</a>	

**Plaintiff(s)**

**Name:** Calico Global Pty Ltd.

**Correspondent Address:** STACEY R HALPERN  
KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN STREET 14TH FLOOR  
IRVINE CA , 92614  
UNITED STATES

**Correspondent e-mail:** [efiling@knobbe.com](mailto:efiling@knobbe.com) , [stacey.halpern@knobbe.com](mailto:stacey.halpern@knobbe.com)

**Associated marks**

Mark	Application Status	Serial Number	Registration Number
CALICO	Section 8 - Accepted	<a href="#">77459135</a>	<a href="#">3680863</a>

**Prosecution History**

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Jan 11, 2016	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 11, 2016	Feb 20, 2016
3	PENDING, INSTITUTED	Jan 11, 2016	
4	D APPEARANCE / POWER OF ATTORNEY	Feb 19, 2016	
5	ANSWER	Feb 19, 2016	
6	P MOT FOR EXT W/ CONSENT	Apr 07, 2016	
7	EXTENSION OF TIME GRANTED	Apr 14, 2016	
8	P MOT TO CONSOLIDATE	Apr 20, 2016	
9	CONSOLIDATED - PARENT OF 91226875	May 04, 2016	
10	D APPEARANCE / POWER OF ATTORNEY	Nov 30, 2016	
11	P MOT TO SUSP PEND DISP CIV ACTION	Dec 14, 2016	
12	SUSP PEND BANKRUPTCY	Jan 13, 2017	

**Type of Proceeding: Opposition**

**Proceeding Number:** [91220004](#)

**Filing Date:** Dec 18, 2014

**Status:** Pending

**Status Date:** Jan 05, 2015

**Interlocutory Attorney:** WENDY COHEN

## Defendant

Name: Fluential, LLC

Correspondent MICHAEL J MCCUE

Address: LEWIS ROCA ROTHGERBER LLP  
3993 HOWARD HUGHES PKWY STE 600  
LAS VEGAS NV , 89169-5996  
UNITED STATESCorrespondent e-mail: [Trademarks-LasVegas@LRRC.com](mailto:Trademarks-LasVegas@LRRC.com) , [MMcCue@LRRC.com](mailto:MMcCue@LRRC.com) , [MZhong@LRRC.com](mailto:MZhong@LRRC.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
CALIO	Opposition Pending	<a href="#">86189475</a>	

## Plaintiff(s)

Name: Calico Global Pty Ltd.

Correspondent STACEY R HALPERN

Address: KNOBBE MARTENS OLSON & BEAR LLP  
2040 MAIN ST 14TH FL  
IRVINE CA , 92614  
UNITED STATESCorrespondent e-mail: [efiling@knobbe.com](mailto:efiling@knobbe.com) , [stacey.halpern@knobbe.com](mailto:stacey.halpern@knobbe.com)

## Associated marks

Mark	Application Status	Serial Number	Registration Number
CALICO	Section 8 - Accepted	<a href="#">77459135</a>	<a href="#">3680863</a>

## Prosecution History

Entry Number	History Text	Date	Due Date
1	FILED AND FEE	Dec 18, 2014	
2	NOTICE AND TRIAL DATES SENT; ANSWER DUE:	Jan 05, 2015	Feb 14, 2015
3	PENDING, INSTITUTED	Jan 05, 2015	
4	D MOT FOR EXT W/ CONSENT	Feb 13, 2015	
5	EXTENSION OF TIME GRANTED	Feb 13, 2015	
6	P MOT TO SUSP W/ CONSENT PEND SETTL NEGOTIATIONS	Apr 01, 2015	
7	SUSPENDED	Apr 01, 2015	
8	ANSWER AND COUNTERCLAIM ( FEE)	Jun 15, 2015	
9	TRIAL DATES RESET	Jul 06, 2015	
10	P MOT FOR EXT W/ CONSENT	Aug 05, 2015	
11	EXTENSION OF TIME GRANTED	Aug 05, 2015	
12	P MOT TO DISMISS COUNTERCLAIM: FRCP 12(B)	Sep 04, 2015	
13	SUSP PEND DISP OF OUTSTNDNG MOT	Sep 09, 2015	
14	D MOT FOR EXT W/ CONSENT	Sep 24, 2015	
15	EXTENSION OF TIME GRANTED	Sep 25, 2015	
16	D OPP/RESP TO MOTION	Oct 26, 2015	
17	PROCEEDINGS RESUMED	Nov 25, 2015	
18	MOT TO AMEND ANS OR COUNTERCLAIM/AMENDED ANS OR COUNTERCLAIM	Dec 21, 2015	
19	P MOT FOR EXT W/ CONSENT	Jan 18, 2016	
20	EXTENSION OF TIME GRANTED	Jan 21, 2016	
21	ANSWER TO COUNTERCLAIM	Feb 19, 2016	
22	STIP TO SUSP PEND SETTL NEGOTIATIONS	Apr 27, 2016	
23	SUSPENDED	Apr 27, 2016	
24	STIP TO SUSP PEND SETTL NEGOTIATIONS	Aug 31, 2016	
25	SUSPENDED	Aug 31, 2016	
26	STIP TO SUSP PEND SETTL NEGOTIATIONS	Oct 11, 2016	
27	SUSPENDED	Oct 11, 2016	
28	STIP TO SUSP PEND SETTL NEGOTIATIONS	Oct 25, 2016	
29	SUSPENDED	Oct 25, 2016	
30	P MOT TO SUSP PEND DISP CIV ACTION	Dec 14, 2016	



